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09/214, 881

CPA/1644\$

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TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


#13

Prior Application Examiner: P. Nolan

Atty Docket: 068383.0104

Prior Group Art Unit: 1644

Client Docket: F5-98B4763/  
KA016USREQUEST FOR FILING CONTINUED PROSECUTION APPLICATION (CPA)  
UNDER 37 C.F.R. § 1.53(d)BOX CPA  
Commissioner for Patents  
Washington, D.C. 20231

| CERTIFICATE OF EXPRESS MAILING  |               |
|---|---------------|
| NUMBER:   | EL483885201US |
| DATE OF DEPOSIT   | May 29, 2001  |
| I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231. |               |
| <br>Signature   |               |

This is a request for filing a continued prosecution application under Rule 53 (37 C.F.R. § 1.53(d)) of co-pending prior application Serial No. 09/214,881 filed on January 14, 1999, entitled "DIAGNOSTIC DRUGS FOR AUTO IMMUNE DISEASES".

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all of the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

A Final Office Action was issued on the co-pending prior application on February 27, 2001. As May 27, 2001 was a Sunday, and Monday, May 28, 2001 was a Federal holiday (Memorial Day), these papers are considered timely filed on Tuesday, May 29, 2001.

- ☐ 1. Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. § 1.116 in the prior nonprovisional application.

05/31/2001 GTEFFERA 00000107 09214881

01 FC:131  
02 FC:102710.00 OP  
80.00 OP

HOU03:776905.1

1.53(d) Application

- ☒ 2. A preliminary amendment is enclosed.
- ☐ 3. This application is filed by fewer than all of the inventors named in the prior application (37 C.F.R. § 1.53(d)(4)).
- (a) Delete the following inventor(s) named in the prior nonprovisional application:
- (b) The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ 4. A new Power of Attorney is enclosed.
- ☐ 5. An Information Disclosure Statement (IDS) is enclosed.
- ☐ PTO-1449.
- ☐ Copies of IDS citations.
- ☒ 6. Enclosed is a check in the amount of \$790 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment (if any).

Large Entity Filing Fees Calculation

| FOR                          | NUMBER<br>FILED | NUMBER<br>EXTRA | RATE   | FEE   |
|------------------------------|-----------------|-----------------|--------|-------|
| Basic Fee                    |                 |                 |        | 710   |
| Total Claims                 | 8 - 20          | 0               | X 18 = | 0     |
| Independent Claims           | 4 - 3           | 1               | X 80   | 80    |
| Multiple Dependent<br>Claims | 0               |                 | 260    | 0     |
| Total Filing Fees:           |                 |                 |        | \$790 |

- ☐ 7. Applicant is entitled to Small Entity Status for this application.

- ☐ A Small Entity statement is enclosed.
- ☐ A Small Entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ Small Entity status is no longer claimed.
- ☒ 8. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Baker Botts, L.L.P. Deposit Account No. 02-0383.
- ☐ 9. The Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and to supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).
- ☐ 10. Priority of application Serial No. filed on in the country of is claimed under 35 U.S.C. § 119.
- ☒ 11. Address all future communications to:
- Baker Botts, L.L.P.  
One Shell Plaza  
910 Louisiana  
Houston, TX 77002-4995  
(713) 229-1992
- ☒ 12. A Return Receipt Postcard is enclosed (should be specifically itemized). Please date stamp and return the enclosed postcard evidencing receipt of these materials.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file jacket of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file jacket, the

Patent and Trademark Office may provide similar information or access to all the other applications in the same file jacket.

Respectfully submitted,



Christopher J. Buntel, Ph.D.  
Reg. No. 44,573  
Customer No. 23640  
AGENT FOR ASSIGNEE,  
KANEKA CORPORATION

Baker Botts, L.L.P.  
One Shell Plaza  
910 Louisiana  
Houston, TX 77002-4995  
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May 29, 2001



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# 14/B  
JNS  
6/4/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ozaki et al.

Serial No.: 09/214,881

Filed: January 14, 1999

For: DIAGNOSTIC DRUGS FOR AUTO  
IMMUNE DISEASES

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Group Art Unit: 1644


Examiner: P. Nolan

Atty Docket: 068383.0104

Client Docket: F5-98B4763/  
KA016US

PRELIMINARY AMENDMENT

Commissioner for Patents  
Washington, D.C. 20231

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| <br>Signature  |               |

Sir:

Please amend this application as follows:

IN THE CLAIMS:

Please enter the following rewritten claim. A marked up version of the rewritten claim, and a clean version of all pending claims are attached at the end of this document.

4. (Twice Amended) A kit for diagnosing an autoimmune disease, the kit comprising:
- a first antigen comprising a polypeptide from an HMG-1 family or a fragment of a polypeptide from the HMG-1 family;
  - a second antigen comprising a polypeptide from an HMG-2 family or a fragment of a polypeptide from the HMG-2 family;
  - a first component for detecting a first antigen-antibody complex; and
  - a second component for detecting a second antigen-antibody complex; wherein the autoimmune disease is selected from the group consisting of human systemic